

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Copies Mailed/Faxed
Chambers of Vincent L. Briccetti
10/28/20

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LEONARD PINA-RODRIGUEZ,
Plaintiff,

v.
CORRECTIONAL DIAGNOSTIC IMAGING,
INC., U.S. MOBILE IMAGING, LLC, and
GARY GARBUZZ,
Defendants.

-----x
ORDER

18 CV 5167 (VB)

10/28/20

On October 5, 2020, defendants U.S. Mobile Imaging, LLC (“U.S. Mobile”) and Gary Garbuzzi moved to dismiss plaintiff’s second amended complaint. (Doc. #71). That day, defendants U.S. Mobile and Gary Garbuzzi served a copy of the motion and all supporting papers on plaintiff, who is proceeding pro se and in forma pauperis, via regular mail. (See Doc. #71-2).

Plaintiff’s opposition to defendants’ motion was due October 22, 2020. See Fed. R. Civ. P. 6(d); Local Civil Rule 6.1(b). To date, no opposition has been filed.

Accordingly, it is HEREBY ORDERED:

1. The Court sua sponte extends plaintiff’s time to oppose defendants’ motion to dismiss the second amended complaint to November 30, 2020. Defendants U.S. Mobile and Gary Garbuzzi’s reply, if any, is due December 7, 2020.

2. **If plaintiff fails to respond to the motion by November 30, 2020, the motion will be deemed fully submitted and unopposed.**

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: October 28, 2020
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge